



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

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***TOM ARISS
PAT ARNOLD SOUTH
DAVID G. YOUNG***

**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

MINUTES: Regular Session – September 9, 2014

The Board met in regular session pursuant to adjournment of the September 4, 2014, meeting.

Pat Arnold South - present

Tom Ariss - present

David G. Young - present

Tina Osborne, Clerk - present

Minutes of the September 2, 2014 meeting were read and approved.

- 14-1377 A resolution was adopted to designate Family and Medical Leave of Absence to Wenda Sullivan, Deputy Clerk, within the Warren County Commissioners' Office. Vote: Unanimous
- 14-1378 A resolution was adopted to enter into Contract with W.E. Smith Construction for the Concrete Repair Project for Warren County Bridges. Vote: Unanimous
- 14-1379 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 14-1380 A resolution was adopted to approve a Street and Appurtenances Bond Release for Las Colinas De Lebanon, LLC for completion of improvements in Cedar Trace, Section III, situated in Turtlecreek Township. Vote: Unanimous
- 14-1381 A resolution was adopted to approve Cedar Trace Drive in Cedar Trace, Section III for public maintenance by Turtlecreek Township. Vote: Unanimous
- 14-1382 A resolution was adopted to approve a Street and Appurtenances (including sidewalks) Bond Release for Trails of Shaker Run Holdings, LLC, for completion of improvements in Trails of Shaker Run, Section 5A, in Turtlecreek Township. Vote: Unanimous

- 14-1383 A resolution was adopted to approve Greentree Meadows Drive, Bluestem Drive and Yellow Prairie Drive in Trails of Shaker Run, Section 5A for public maintenance by Turtlecreek Township. Vote: Unanimous
- 14-1384 A resolution was adopted to enter into a New Streets and Appurtenances Security Agreement with Soraya Farms, LLC for Soraya Farms, Section 1, in Clearcreek Township, replacing the current Street and Appurtenances Security Agreement #08-013(P). Vote: Unanimous
- 14-1385 A resolution was adopted to enter into a New Streets and Appurtenances (including sidewalks) Security Agreement with Soraya Farms, LLC for Soraya Farms, Section 2, in Clearcreek Township, replacing the current Street and Appurtenances Security Agreement #10-018 (P/S). Vote: Unanimous
- 14-1386 A resolution was adopted to enter into a New Streets and Appurtenances (including sidewalks) Security Agreement with Soraya Farms, LLC for Soraya Farms, Section 3, in Clearcreek Township, replacing the current Street and Appurtenances Security Agreement #14-001 (P/S). Vote: Unanimous
- 14-1387 A resolution was adopted to enter into a New Erosion Control Security Agreement with Soraya Farms, LLC for Soraya Farms, Section 3 in Clearcreek Township, replacing the current Erosion Control Security Agreement. Vote: Unanimous
- 14-1388 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Soraya Farms LLC for installation of certain improvements in Soraya Farms, Section 3, situated in Clearcreek Township, replacing the current Security Agreement #14-002 (W/S). Vote: Unanimous
- 14-1389 A resolution was adopted to approve a Subdivision Public Improvements Performance and Maintenance Security Agreement Release for Soraya Farms LLC for Soraya Farms Section 3 in Clearcreek Township. Vote: Unanimous
- 14-1390 A resolution was adopted to approve a Street and Appurtenances Bond Release for Soraya Farms, LLC for completion of improvements for Soraya Farms, Section 1, situated in Clearcreek Township. Vote: Unanimous
- 14-1391 A resolution was adopted to approve a Street and Appurtenances (including Sidewalks) Bond Release for Soraya Farms LLC for completion of improvements for Soraya Farms, Section 2, situated in Clearcreek Township. Vote: Unanimous
- 14-1392 A resolution was adopted to approve a Street and Appurtenances (including sidewalks) Bond Release for Soraya Farms, LLC for completion of improvements for Soraya Farms, Section 3, situated in Clearcreek Township. Vote: Unanimous

- 14-1393 A resolution was adopted to approve Bond Release for Soraya Farms, LLC for completion of improvements in Soraya Farms, Phase 3, situated in Clearcreek Township. Vote: Unanimous
- 14-1394 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 14-1395 A resolution was adopted to approve a Cash Advance from County Motor Vehicle Fund #202 into the Greentree Road Improvement Project Fund #431. Vote: Unanimous
- 14-1396 A resolution was adopted to approve Appropriation Adjustment within Motor Vehicle Fund #202. Vote: Unanimous
- 14-1397 A resolution was adopted to approve Appropriation Adjustment within Recorder's Office Fund #11-1160. Vote: Unanimous
- 14-1398 A resolution was adopted to approve Appropriation Adjustments from Board of Elections Fund #101-1301 to #101-1300. Vote: Unanimous
- 14-1399 A resolution was adopted to approve Appropriation Adjustments within Sheriff's Office Fund #101-2210 and #101-2200. Vote: Unanimous
- 14-1400 A resolution was adopted to approve Appropriation Adjustment within Juvenile Court Fund #11-1240. Vote: Unanimous
- 14-1401 A resolution was adopted to approve Appropriation Adjustment within Emergency Services/Communications Center Fund #101-2850. Vote: Unanimous
- 14-1402 A resolution was adopted to approve Appropriation Adjustments within Children Services Fund #273, Treasurer's Office Funds #101-1130 and #249, and Prosecutor's Office Funds #101-1150 and #245. Vote: Unanimous
- 14-1403 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 14-1404 A resolution was adopted to approve the Otterbein Revised Stage 2 PUD. Vote: Unanimous
- 14-1405 A resolution was adopted to approve Supplemental Appropriation within Facilities Management Fund #467. Vote: Unanimous
- 14-1406 A resolution was adopted to approve Supplemental Appropriation within Facilities Management Fund #467. Vote: Unanimous

- 14-1407 A resolution was adopted to approve Appropriation Adjustment within Recorder's Office Fund #101-1160. Vote: Unanimous
- 14-1408 A resolution was adopted to approve Appropriation Adjustment within Water Revenue Funds #510 and #580. Vote: Unanimous
- 14-1409 A resolution was adopted to approve Appropriation Adjustments within Emergency Services/Communications Center Fund #101-2850.
Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, the Board accepted and approved the consent agenda.

Victoria Van Harlingen, Warren County Historical Society, was present to provide a recap of the Turtlecreek Summer Music Festival that took place at Armco Park on July 12, 2014.

Ms. Van Harlingen presented an accounting report showing that the festival has a loss of \$7,032.02. She stated the tremendous turnout estimated between 3000 and 5000 people which was originally created to be a joint fundraising activity for the Warren County Historical Society, the Lebanon Kiwanis and the Lebanon Council of Garden Clubs.

Ms. Van Harlingen explained that the Warren County Historical Society took the lead in the management of the festival, securing the bands, sponsorship dollars, vendors, staging, lights, sound, port a lets, generators and a VIP/Musician lounge and Information Desk. She stated that they managed parking and had scheduled classic rock bands from 11:00 a.m. to 11:00 p.m. along with festival food and drinks with the Lebanon Kiwanis selling beer as the principal fundraising activity. She then stated that the Lebanon Council of Garden Clubs managed a kid's play area and Turtlecreek Township provided EMS services.

Ms. Van Harlingen explained that the festival was moved at the last minute from Downtown Lebanon to Armco Park which caused the expected attendance to drop dramatically. She then stated that the location at Armco Park was perfect but with the park setting, there were families that brought picnic lunches which limited the food and beverage sales.

There was discussion relative to the approximately 90 – 100 volunteers that actively participated in this festival.

Ms. Van Harlingen requested the Board's consideration of a \$5000 donation towards the 2015 festival.

There was discussion relative to being supportive of the event but concern of setting a precedent of being in the festival business.

There was then discussion relative to the desire of the Board to coordinate this event with the Warren County Park Board to make this an event for the entire county and include activities such as a bigger name artist, fireworks, etc. The Board stated that with the number of volunteers that the organizers have now, with the inclusion of all other service organization around Warren County, this could be a showcase event.

Upon further discussion, the Board requested Ms. Van Harlingen work with the Warren County Park Board to turn the event into a community wide event and the Board would coordinate with the Park Board on funding.

The Board met this 9th day of September 2014, in the Commissioners' Meeting Room to consider the Revised Stage 2 Planned Unit Development for Otterbein Home in Turtlecreek Township.

Matt Obringer, Regional Planning Commission, presented the attached PowerPoint presentation showing the following:

1. An aerial view of the site
2. The 1991 PUD area and conditions
3. Layout Option 1
4. Layout Option 2
5. Proposed circulation of traffic
6. Landscaping

Mr. Obringer then presented the RPC Executive Committee recommendation to approve the revised Stage 2 PUD subject to 15 conditions.

Rob Newman, VP Construction at Otterbein Home, Inc., presented pictures of the proposed houses showing the new urbanism theme. He then stated the plan includes 46 apartments, 20 villas and 17 single family homes.

Upon further discussion, the Board resolved (Resolution #14-1404) to approve the Revised Stage 2 PUD for Otterbein Home subject to 15 conditions with Commissioner Ariss abstaining from voting.

Larry Sims, Warren County Sheriff, was present for a work session to discuss the Warren County Jail overcrowding problem.

Sheriff Sims explained the behind the scenes problems with the jail overcrowding including emergency release and inability for law enforcement to make arrests for anything other than felony offences and violent crimes.

Sheriff Sims then stated that the space within the jail is being fully utilized and there is no room for any additional beds. He then reviewed the attached PowerPoint presentation stating the following:

1. Warren County Jail Overview
2. 2009 – 2013 Jail Population
3. The aggressive Management of Population
4. Average length of stays for Males and Females
5. The changing jail population
6. The effects of the population

Sheriff Sims then requested the Board to consider the need and place the jail as the priority project for the efficient and effectiveness of the criminal justice system. He then requested the Board to issue a Request for Qualifications to hire a consultant within the next six months to spearhead the best and most conservative resolution to the jail overcrowding situation.

Commissioner South stated her agreement that we cannot begin to tackle the problem until the experts are in place in order to define the need. She then questioned the option to again contract with Butler County during the interim and stated she is in agreement to proceeding with hiring a consultant.

Commissioner Ariss stated he is also in agreement with beginning the process of hiring a consultant.

Commissioner Young stated that what the Sheriff is requesting is not unreasonable and he has no problem with beginning the process of a consultant. He then stated safety is the paramount concern for the officers, inmates and Warren County residents.

Commissioner Young then questioned the need for a low lever offender/day reporting program in Warren County stating his desire to make sure all possibilities are exhausted prior to taking on

the hub financial commitment that goes along with the construction of additional jail space, including the personnel to operate it.

Sheriff Sims stated that staff has done everything except day reporting.

Commissioner Young then clarified that he is not saying to delay the RFQ process.

Upon discussion, the Board stated their agreement to move forward with the process of hiring a consultant.

Judge Rupert, Franklin Municipal Court, stated his concern that with no room at the jail, there are no consequences for their actions. He then stated that within the municipal courts, for an inmate to be released on a monitor they must be able to afford the \$10 per day charge. He stated that if they cannot afford \$10 per day, they must stay in jail. He then questioned if the County would consider an indigency program to help pay for \$10 per day charge to help free up some space.

Major Barry Riley stated that if the County were to adopt that type of program, it would free approximately 20 beds.

The Board stated their agreement to consider funding that type of program.

Jennifer Burnside, Court Administrator, stated that Mike Steele would get a cost proposal to the Board for consideration.

Judge Flannery, Warren County Common Pleas Court, stated that he has worked with five sheriffs in the last 40 years and all have done an outstanding job. He then pointed out that as our population grows, so does crime and the need for more jail space explodes. He stated that heroin has by far exceeded any problems that have ever existed before. He stated that the heroin problem is not a short term problem and that there are some people that just need to be locked up. He stated that by not locking up those that need it, we are putting people's lives at risk every time we turn someone away.

Commissioner South questioned if there had been any discussion on the "master plan" to be more effective on heroin use.

Judge Peeler, Warren County Common Pleas Court, stated he is working on a collaborative with Solution and Talbert House. He then stated that preliminary findings are showing that when you add the drug Vivitrol to the recovery process there is a 70% chance of recovery vs. 10% without the drug.

Sheriff Sims then stated the need for funding of these type recovery programs.

Judge Oda, Warren County Common Pleas Court, stated the need for immediate actions before a tragedy occurs due to no room in the jail.

Judge Rupert then shared City of Franklin and Franklin Township heroin related statistics from May 2009 to July 31, 2014.

Upon further discussion, it was determined to proceed with the process of hiring a consultant.

On motion, upon unanimous call of the roll, the Board entered into executive session at 11:09 a.m. to discuss personnel matters relative to hiring in Emergency Services, Children Services and Workforce One pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 12:53 p.m.

Commissioners South exited the meeting at 12:30 p.m.

Upon motion the meeting was adjourned.



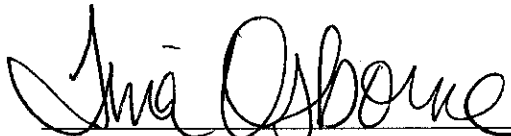
Pat Arnold South, President

David G. Young



Tom Ariss

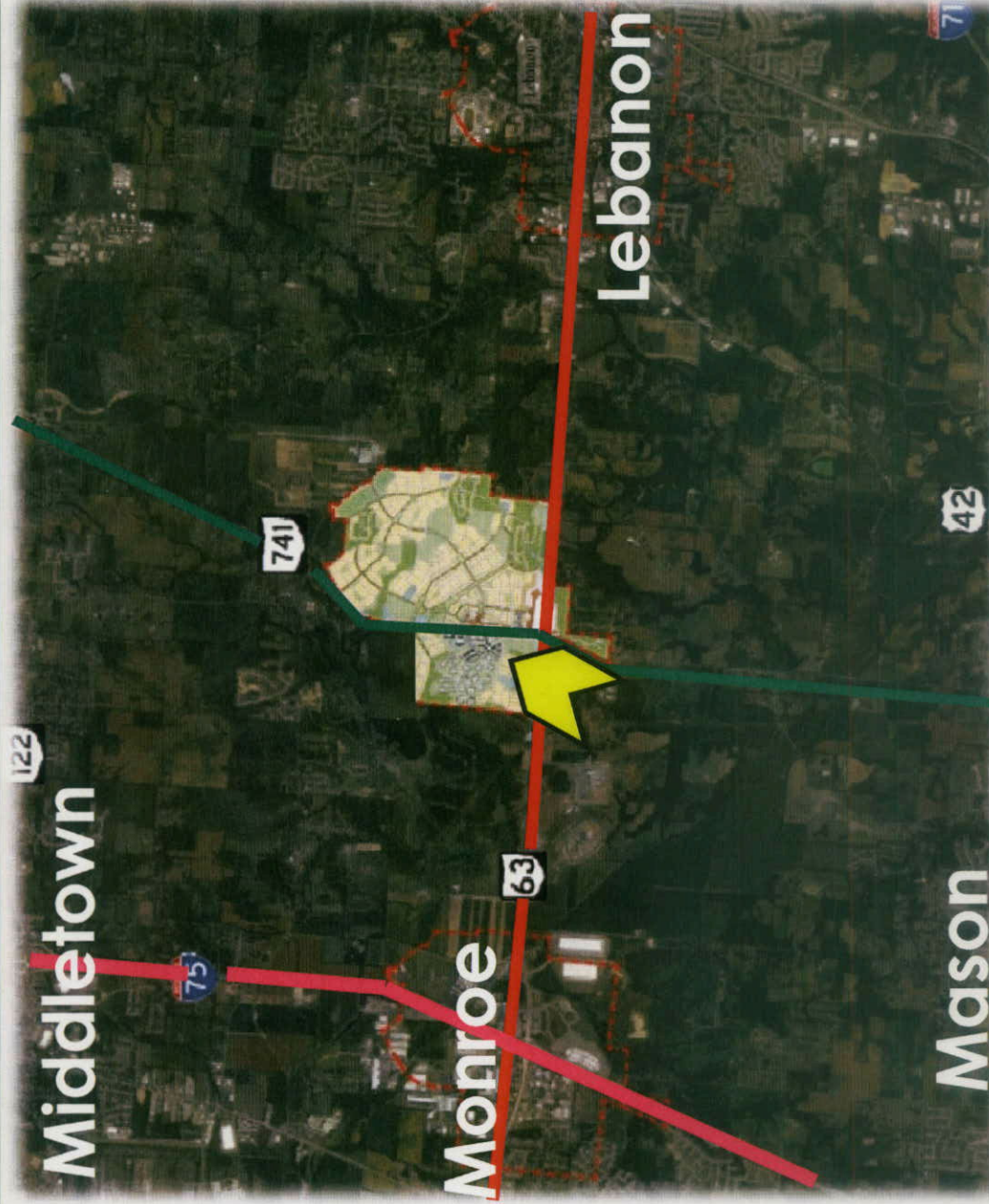
I hereby certify that the foregoing is a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on September 9, 2014, in compliance with Section 121.22 O.R.C.



Tina Osborne, Clerk
Board of County Commissioners
Warren County, Ohio

OTTERRBEIN PH 1A

Revised Stg 2



1991 PUD

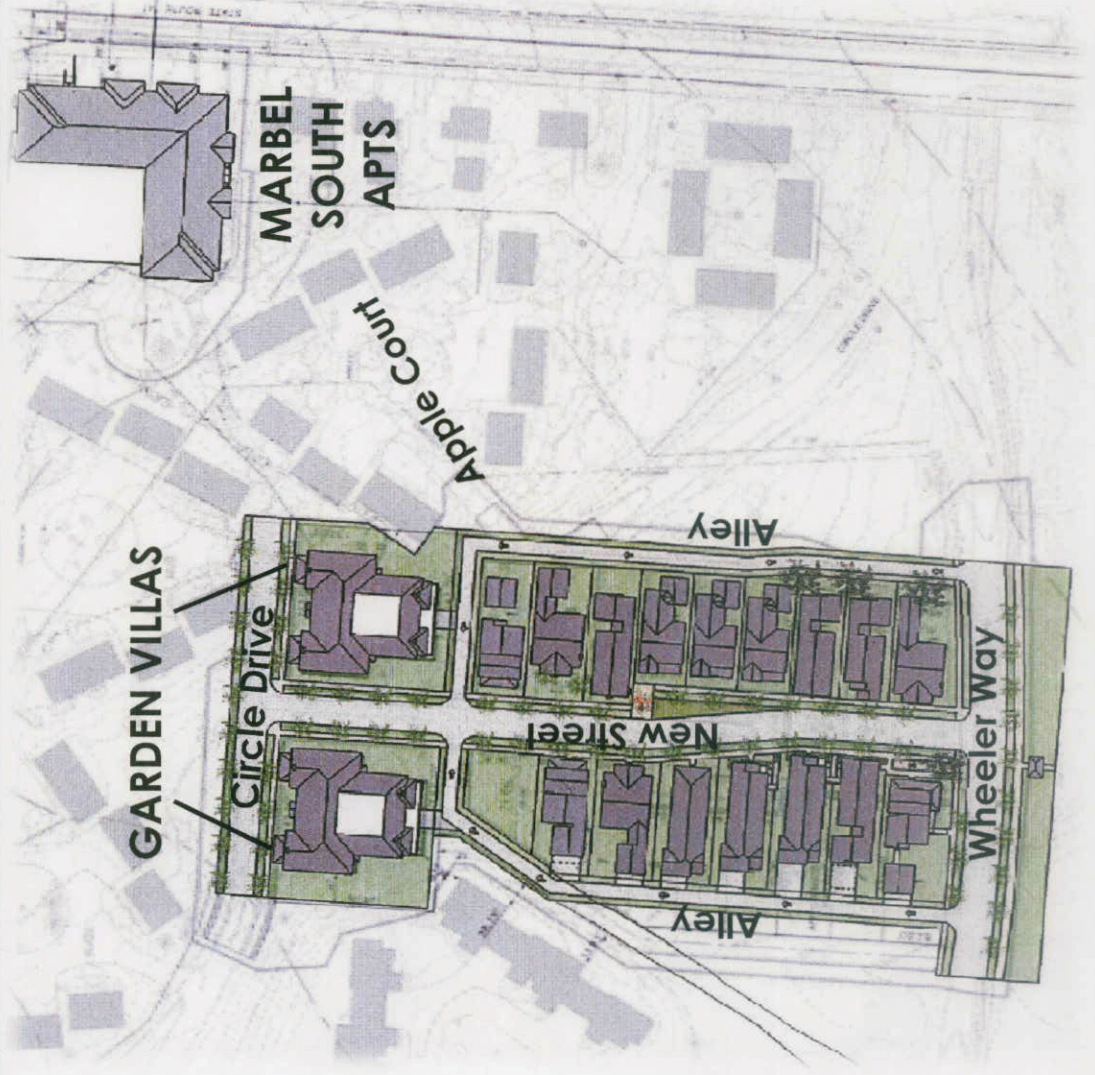
Resolution 91 -1163 (PUD Conditions)

1. Dedication of 30 ft ROW on both sides of SR 741.
2. Dr. Charles K. Dilgard shall be the spokesman for the PUD...
3. Compliance with BOCC conditions and compliance with the requirements of Chapter 18 of the Warren County Zoning Code (old 1971 Code).
4. The proposed land use drawing (submitted in 1991) shall be accepted as fulfillment of the requirements for [PUD Stage 1 and PUD Stage 2]...

SITE



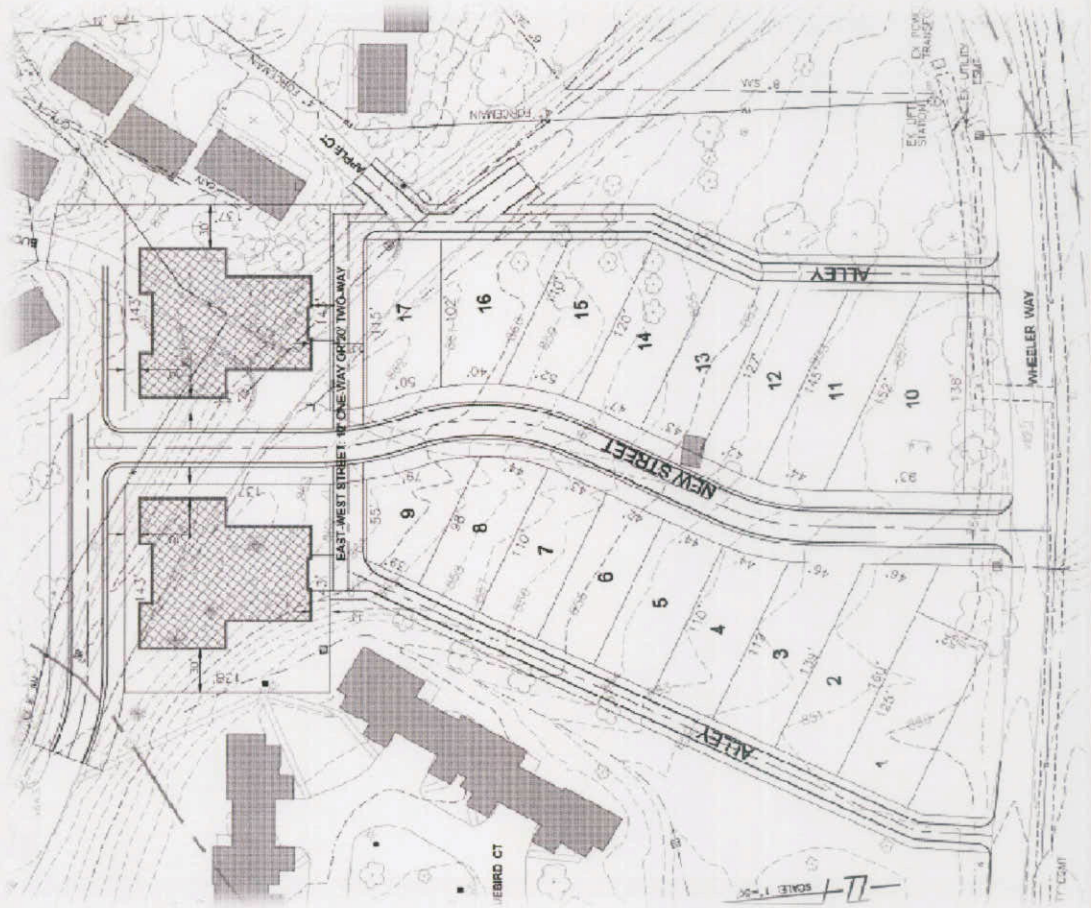
LAYOUT OPTION 1



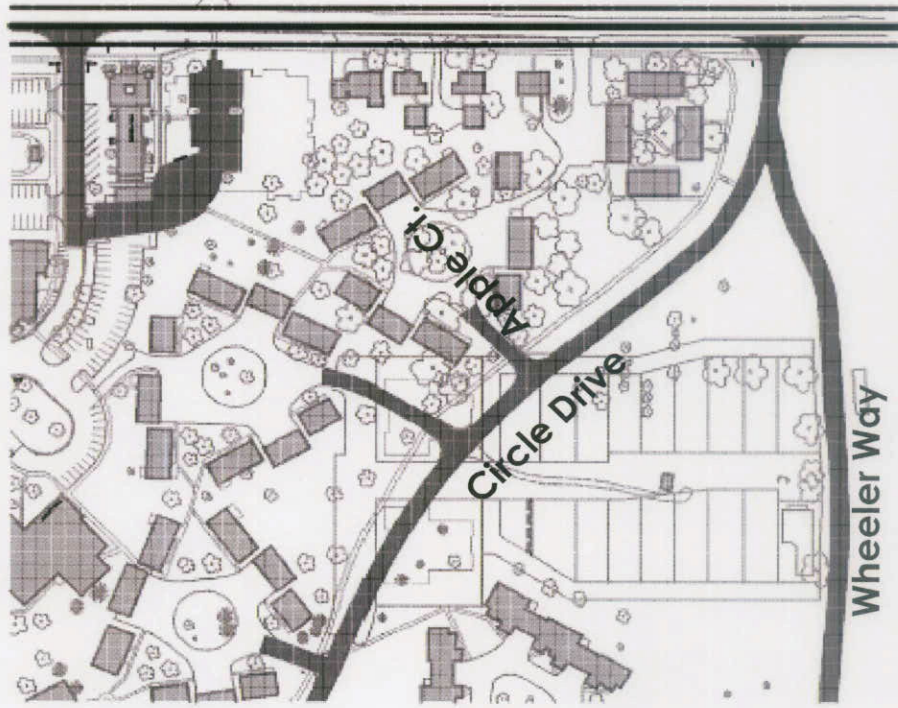
SENIOR FRIENDLY



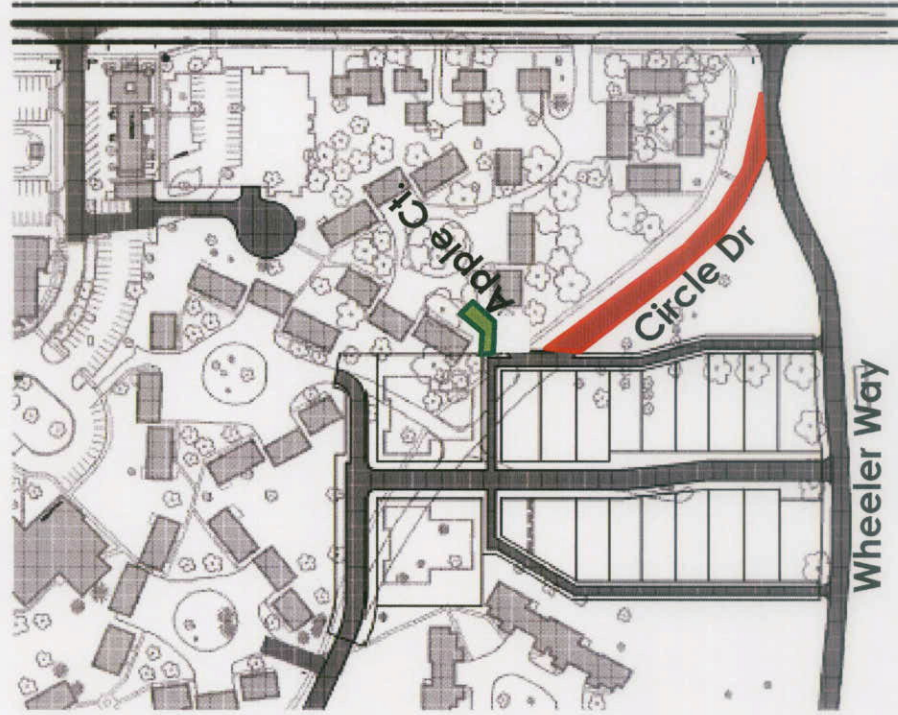
LAYOUT OPTION 2



CIRCULATION

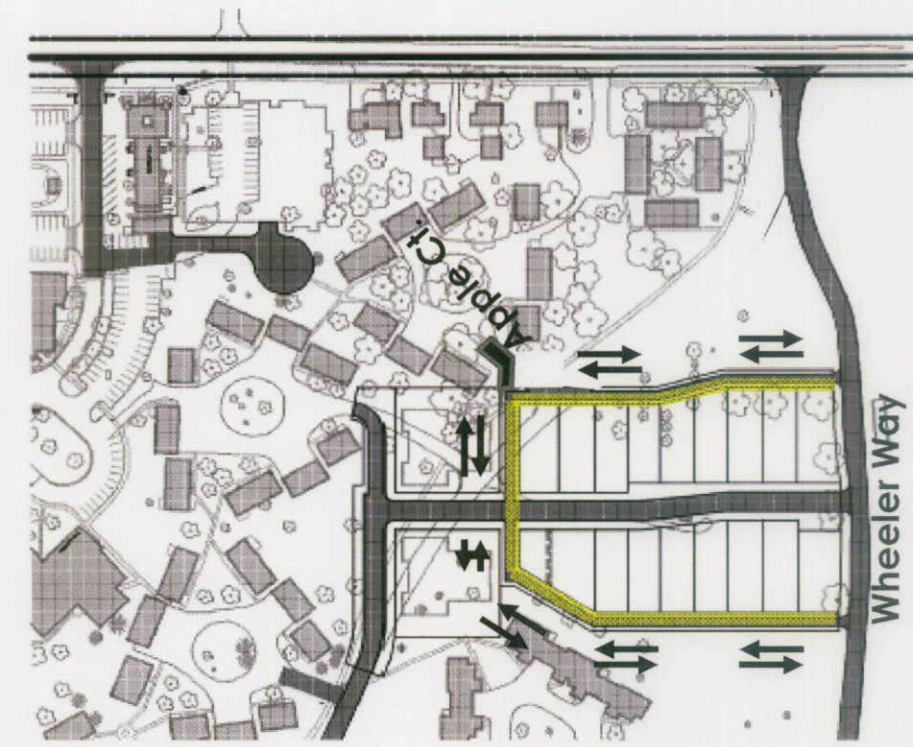


CURRENT CONDITIONS

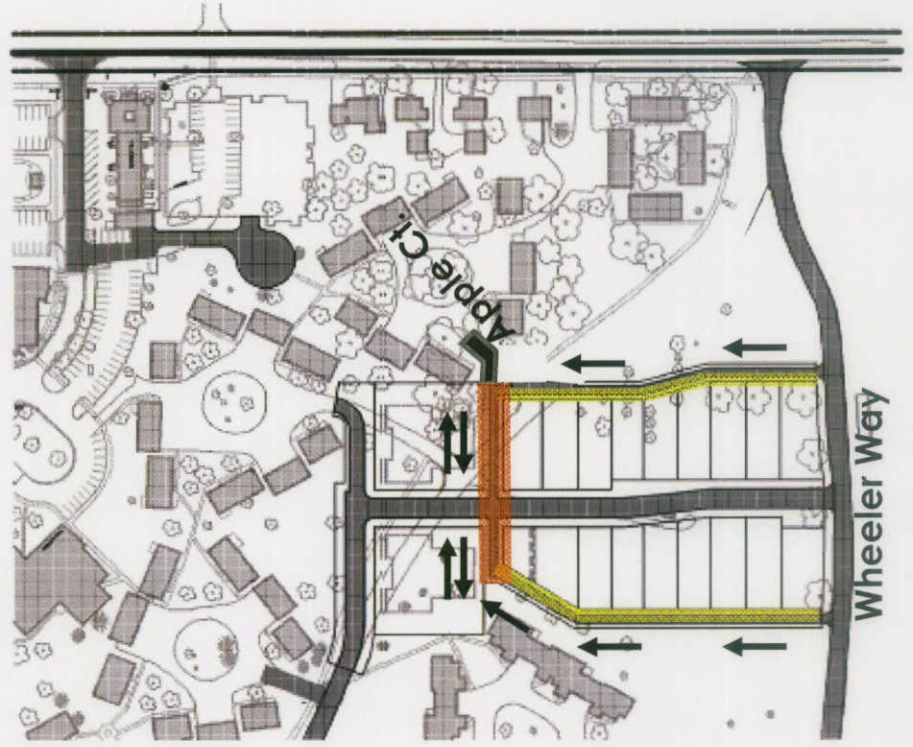


PHASE 1A

CIRCULATION

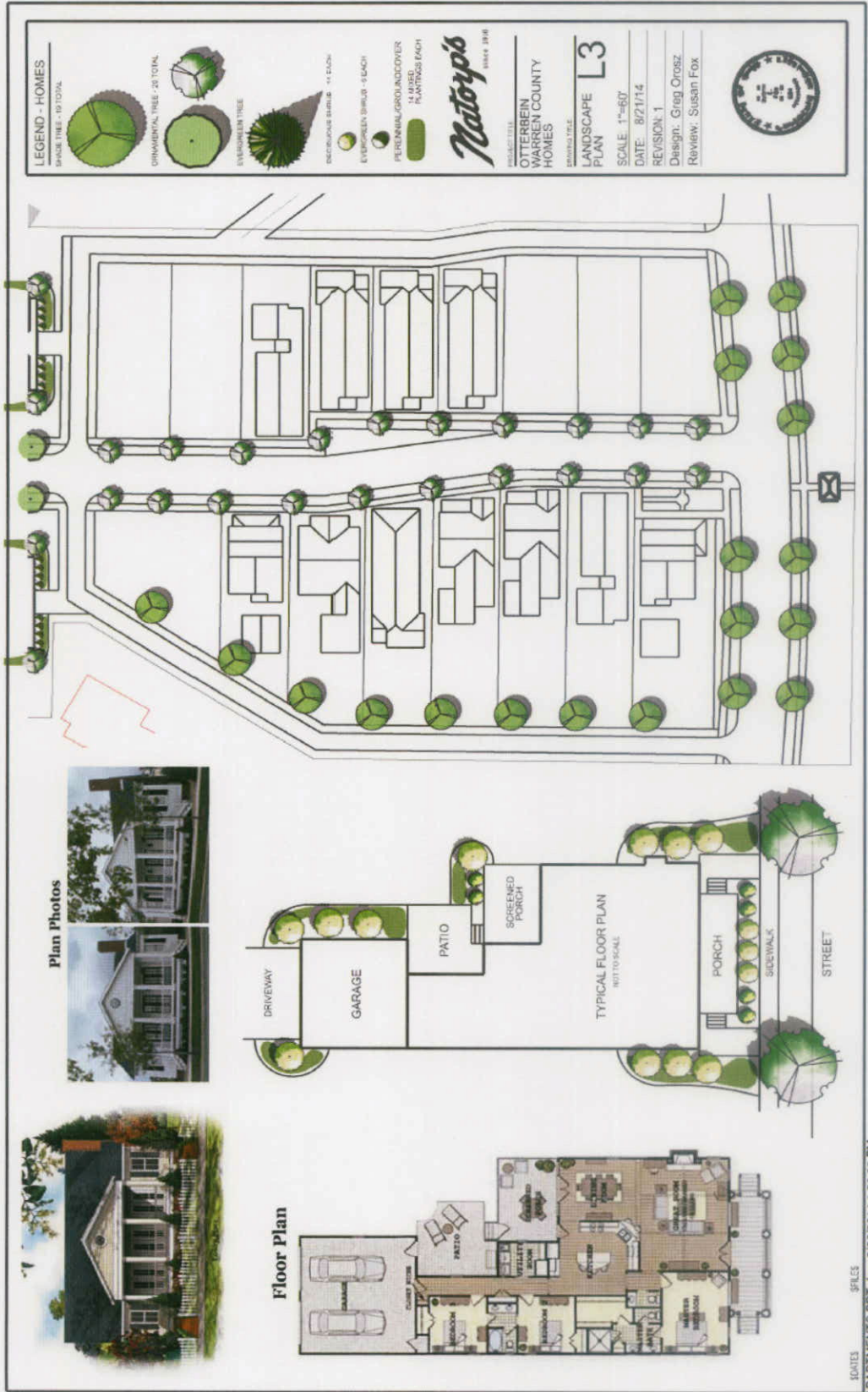


ALLEY OPTION 3

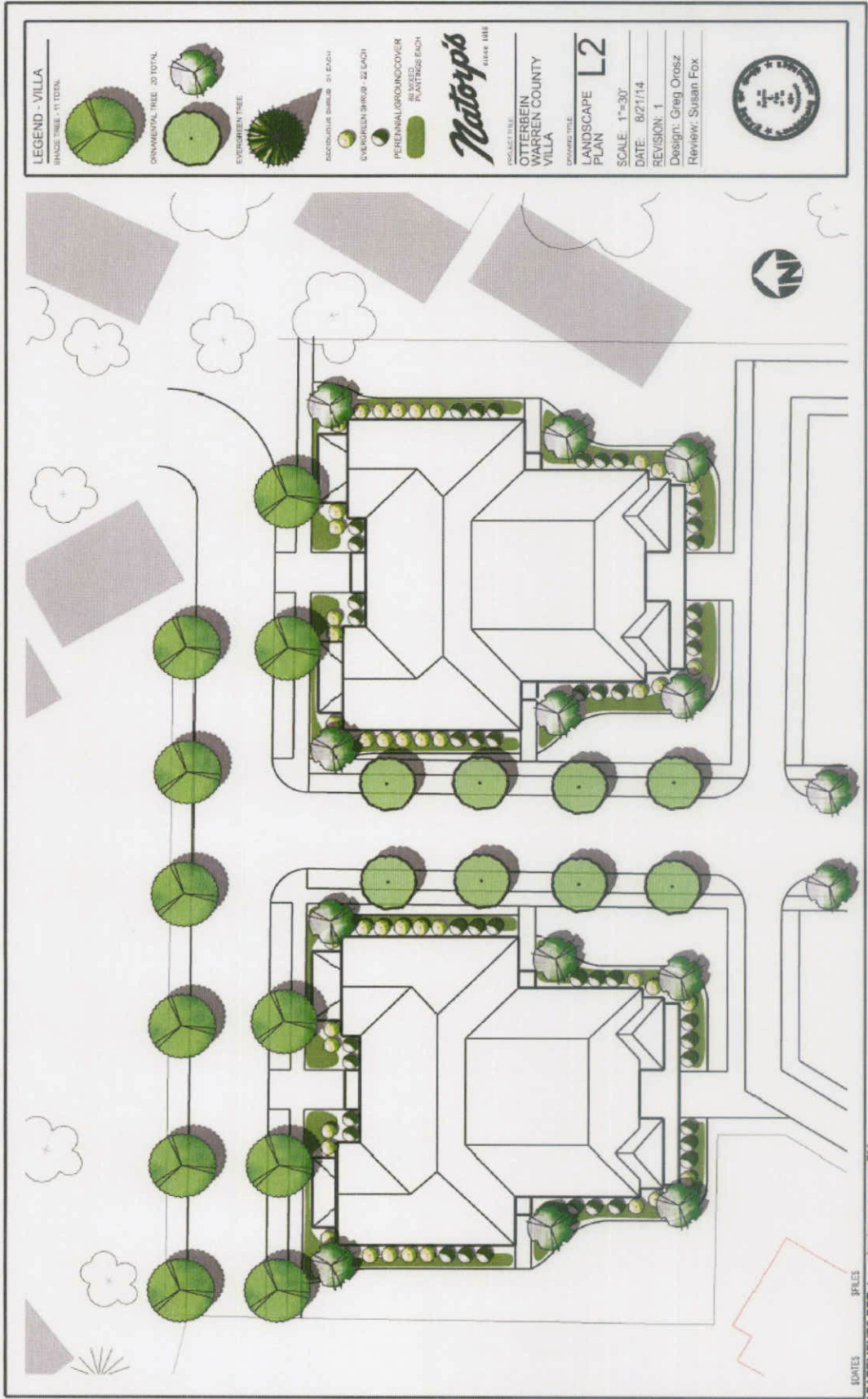


ALLEY OPTION 2

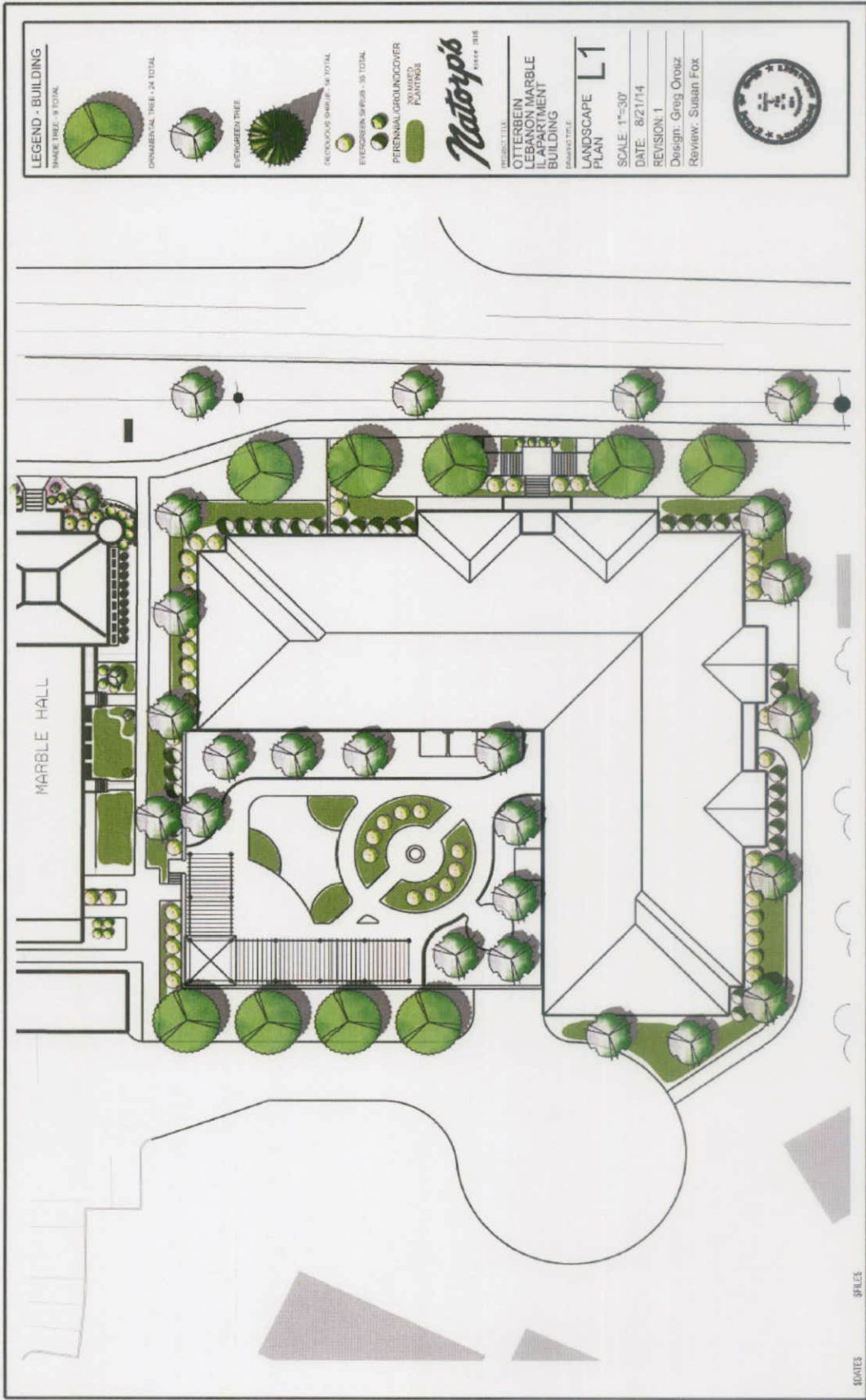
LANDSCAPING



LANDSCAPING



LANDSCAPING



RECOMMENDATION

Approval of Layout Options 1
and 2 subject to conditions...

RECOMMENDATION

1. Compliance with Warren County Rural Zoning Regulations and PUD Stage 1 requirements.
 2. Approval of all street sections, right-of-way widths, one way streets, street stubs, roundabouts, cul-de-sacs, access points, turning radii, and internal circulation by the Engineer's Office, Turtlecreek Township Trustees, County Sheriff, Fire Department, and RPC.
-

RECOMMENDATION

3. Compliance with all ODOT requirements for a turn-lane analysis and any subsequent improvements to SR 741.
 4. Approval of all sewer extensions by OEPA.
 5. Approval of a stormwater drainage plan by the Warren County Engineer's Office and/or Ohio Department of Natural Resources (ODNR).
-

RECOMMENDATION

6. Compliance with the Ohio Environmental Protection Agency, National Pollution Discharge Elimination Systems (NPDES) permit for stormwater discharges associated with construction.
 7. Approval of an erosion and sediment control plan prior to earth moving activities.
 8. All public and private utility service lines shall be installed underground, or as determined by the Board of County Commissioners.
-

RECOMMENDATION

9. Approval by the Warren County Health Department.
 10. Compliance with the proposed Landscaping Plan. The minimum quantities for each plant type shall be as proposed in the landscaping plan.
 11. No street trees shall be planted within the right-of-way of State Route 741.
 12. All common open space shall be owned and maintained by Otterbein.
-

RECOMMENDATION

13. All units shall be owned and operated by Otterbein and are for retirement living, elderly care, or institutional support services only.
 14. Lighting and signage shall comply with the requirements of the current Warren County Rural Zoning Code and lighting and signage plans shall be approved by the RPC Executive Director at PUD Stage 3.
-

RECOMMENDATION

15. Garbage collection areas shall comply with Section 3.405 C 1 of the current Warren County Rural Zoning Code and be approved by the County Zoning Inspector and RPC Executive Director at PUD Stage 3.
-

SHERIFF

Jail Population Overview

Sheriff Larry L. Sims

Warren County Jail Overview

- **280 Bed Operational Capacity**
 - 214 male
 - 66 female
- **Maximum Security Facility**
- **Sentenced and Non-Sentenced, Male and Female, Felony and Misdemeanor Crimes**
- **2013 Bookings 5466 (2012 Bookings 5764)**
- **2013 Releases 5481 (2012 Releases 5722)**

2009-2013 Jail Population

- **2009 Average population was 255.55**
 - 42.35 males housed at Butler County
 - 14.47 females housed at Butler County

- **2010 Average population was 256.65**
 - 38.31 males housed at Butler County
 - 18.78 females housed at Butler County

- **2011 Average population was 259.61**
 - 13.15 males housed at Butler County (through June)
 - 4.55 females housed at Butler County (through June)

- **2012 Average population was 276.24**

- **2013 Average population was 276.44**

Aggressive Management of Population

LARRY L. SIMS
SHERIFF



WARREN COUNTY SHERIFF'S OFFICE

JOHN D. NEWSOM
CHIEF DEPUTY

October 18, 2013

Judge Robert Peeler
Warren County Common Pleas Court
500 Justice Drive
Lebanon, Ohio 45036

Dear Judge Peeler,

As you are undoubtedly aware, the Warren County Jail has been operating at, or above, capacity for several years. In an effort to maintain a safe and efficient facility, we have a number of procedures in place that allows us to release inmates when necessary.

One of our procedures, with your valued partnership, is obtaining releases for those inmates that are admitted to the hospital. We greatly appreciate you and your staff's efforts in these matters.

Another procedure is our Emergency Release Policy. This policy allows us the flexibility to release low level inmates while making room for felony and crime of violence offenders. This is a procedure we only use when absolutely necessary.

To further assist with overcrowding, we also plan to implement Criminal Rule 4. This rule allows law enforcement and the detention facility the flexibility of issuing a summons in lieu of arrest. Below is an excerpt for your review.

- **(F) Release after arrest.** *In misdemeanor cases where a person has been arrested with or without a warrant, the arresting officer, the officer in charge of the detention facility to which the person is brought or the superior of either officer, without unnecessary delay, may release the arrested person by issuing a summons when issuance of a summons appears reasonably calculated to assure the person's appearance. The officer issuing such summons shall note on the summons the time and place the person must appear and, if the person was arrested without a warrant, shall file or cause to be filed a complaint describing the offense. No warrant or alias warrant shall be issued unless the person fails to appear in response to the summons.*

Lastly, there are also instances when a time server reports as directed and the jail is at, or above, capacity. When this occurs it becomes necessary to refuse admittance of the time server. This does not occur often but is usually after we have already alerted local law enforcement the jail is not accepting fresh arrests unless the charge is a felony or crime of violence

We realize communication is crucial in these situations and we will ensure prompt notification is made through appropriate methods.

We believe we can all agree it would be prudent to access the *Emergency Release* and process fresh arrests instead of misdemeanor time servers.

Refused time servers will be directed to report to the court of record forthwith and again, proper and prompt notification will be made.

Managing the jail population is becoming increasingly difficult and we certainly appreciate input as well as your understanding.

If you have any questions or concerns, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Larry L. Sims".

Larry L. Sims
Sheriff

LSbr

Judges and Partnerships

Average stay	<u>Males</u>	<u>Females</u>
2009	16.29	11.57
2010	14.90	12.60
2011	15.60	13.50
2012	16.72	14.40
2013	18	15
2014	17	14

Jail Population is Changing

Approximately 1/2 of the jail population is driven by felony charges in our Common Pleas Courts.

August 13, 2014: 147 incarcerated for felony charges.

Effects of our Population

VisionTEK FrontLine® Applications Utilities Windows Help

Status | **Messaging** | **CAD** | **Report Grid** | **W&W** | **Exit**

Inbox (9) | **Compose** | **Chat**

From	Subject	Date/Time
Dispatch-ES, Madden, Jess Warren County Jail	Dispatch-ES, Madden, Jess Warren County Jail - Not Accepting Females	09/01/14 15:17:53
Dispatch-ES, Hall	Dispatch-ES, Carlisle, ScotWC JAIL	09/01/14 00:10:39
Dispatch-ES, Gibson, AshleWC Jail	Dispatch-ES, Carson, CarmWC Jail	08/31/14 02:23:10
Dispatch-ES, Holt	Dispatch-ES, Moyer, Josh -4Warren County Jail	08/31/14 00:21:22
Dispatch-ES, Holt	Dispatch-ES, Moyer, Josh -4Warren County Jail	08/30/14 16:15:48
Dispatch-ES, Holt	Dispatch-ES, Hall, SamanthaWarren County Jail	08/30/14 08:39:55

Message

From: Dispatch-ES, Madden, Jesse - 4D32
 Subject: Warren County Jail - Not Accepting Females

The Warren County Jail is not accepting females unless felony or crimes of violence.

Message

From: Dispatch-ES, Hall, Samant
 Subject: WC Jail status

WC Jail is full on males unless fel

Server Login: Successful

09:08 9/5/2014

Effects of our Population

Almost 3000 active warrants.

Microsoft Word - SHB5X20.rtf [Read-Only] [Compatibility Modes]

Page: 268

Case Number	Client Name	Case Type	Date Filed	Arrest	Court Code	Charge	Charge Category	Case No.
9600017	RICHARD J PHILLIPS	Warrant	11/15/1998	Arrest	WARREN CO JUVENILE COURT	FTA-CHILD SUPPORT	Child Support	08031698
92-10311	TONYA C MILLER/AMA CARRIBER	Warrant	11/15/1997	Arrest	WARREN CO JUVENILE COURT	FTA-CHILD SUPPORT	Child Support	06011670
9600007	JOEL THOMAS COCHRAN	Warrant	3/19/1997	Arrest	WARREN CO JUVENILE COURT	FTA-CHILD SUPPORT	Child Support	05316992
9643333	SAMUEL E CLAY	Warrant	3/17/1997	Arrest	WARREN CO JUVENILE COURT	FTA-CHILD SUPPORT	Child Support	01071839
9437940	MICHAEL A SCINLEY	Warrant	1/6/1997	Arrest	WARREN CO JUVENILE COURT	FTA-CHILD SUPPORT	Child Support	06064146
9133351	GREGORY D HARLAN	Warrant	12/14/1996	Arrest	WARREN CO JUVENILE COURT	FTA-CHILD SUPPORT	Child Support	05072792
10184	CHRISTIAN M CAVANAUGH	Warrant	6/24/1996	Arrest	SOUTH LEBANON MAYORS	FTA-ASSAULT	Child Support	05082107
1208748	MICHAEL R FORD	Warrant	4/1/1996	Arrest	SOUTH LEBANON MAYORS	FTA-OPEN CONTAINER/SELL	Child Support	06078213
9540737	PAULINE A WILKINSON	Warrant	12/11/1995	Arrest	WARREN CO JUVENILE COURT	FTA-CHILD SUPPORT	Child Support	05925194
94CR16297	STEPHEN R JACOB SR	Warrant	8/18/1995	Arrest	WARREN CO JUVENILE COURT	FTA-CHILD SUPPORT	Child Support	05925194
9356220	THOMAS R HENDERSON	Warrant	4/11/1994	Arrest	WARREN CO JUVENILE COURT	FTA-CHILD SUPPORT	Child Support	05925194

Time to Act

- A survey and study completed by the County Commissioners has already justified the need for an increase in beds.
- Paul Pena, May 2013
- We fully admit our limitations are bogging down the criminal justice system in Warren County.
 - Turning away time servers and failing to even attempt warrants on file due to jail population is certainly not what we, as county leaders, want to be known for.

Proposal

- Realize the need and place the jail as the priority project for the efficiency and effectiveness of our criminal justice system.
- We are proposing and requesting the Board of County Commissioners to hire a consultant within the next six months to spearhead the best and most conservative resolution for our county.